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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/051,450	04/06/1998	EIJI MURAMATSU	9319S-000059	8010

7590

09/23/2003

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EXAMINER

NGO, HUYEN LE

ART UNIT

PAPER NUMBER

2871

DATE MAILED: 09/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

***Response to Amendment***

The amendment filed on January 31, 2002 (paper no. 17) canceling all of the elected claims and presenting new claims 25-37, which drawn to a non-elected species for at least the following reason:

Claim 25 recites, "***a light shielding member positioned over said gap,***" which is between the edge of the second substrate 2 and the semiconductor element 12.

Claim 31 recites "***a light shielding member positioned along said light path,***" which is formed from a light source, through a gap that is between the semiconductor element 12 and the second substrate 2, through the first substrate, and to the active surface of said semiconductor element.

Applicant is to note that the location of the light shielding film member recited claims 25 and 31 is not shown in the embodiment of figure 4, which Applicant has elected without traverse in paper no. 9.

However, figure shows that the light-shielding member 47 is covering the semiconductor element 12.

Claims 26-30 and 32-37 are depended from claims 25 and 31, respectively.

The newly added claims 25-37 drawn to a non-elected species, and there will be no claims to continue prosecution if ALL the pending claims 1, 3, 4, 9, 12 and 13 are to be canceled according to the amendment submitted on January 31, 2002 (paper no. 17).

Therefore, the amendment is a non-responsive amendment (MPEP § 821.03), and it has not been entered.

Applicant further responded on June 10, 2002 (paper no. 24) stating that the newly presented claims read on the elected invention of group IV, figure 4, for example, at least claims 25, 26, 31 and 32.

Examiner has contacted Applicant's representative several times to explain the reasons why claims 25-37 are not readable on the elected species of the invention, however, Applicant has not responded.

### **Conclusion**

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Art Unit: 2871

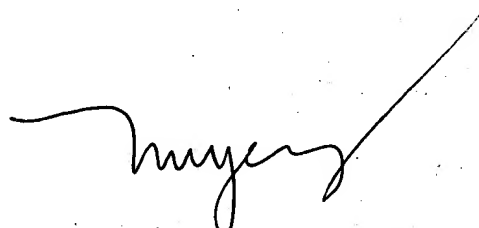
***Contact Information***

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Julie-Huyen L. Ngo whose telephone number is (703) 305-3508. The Examiner can normally be reached on T-Friday.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Mr. Robert H. Kim can be reached at (703) 305-3492.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

September 11, 2003



*Julie-Huyen L. Ngo*  
**Patent Examiner**  
Art Unit 2871